

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA

v.

RUSSELL LARELL BERRY;  
GARY ALLEN BROWN; and  
TRACY TURNER

**SUPERSEDING**  
**INDICTMENT**

Case No. 1:19-cr-00007

Violations: 21 U.S.C. §§ 843(b) and 846

**COUNT ONE**

**Conspiracy to Distribute a Controlled Substance – Methamphetamine (500 grams or more mixture)**

The Grand Jury Charges:

From in or between October 2018 and the date of this Superseding Indictment, in the District of North Dakota, and elsewhere,

RUSSELL LARELL BERRY;  
GARY ALLEN BROWN; and  
TRACY TURNER

did knowingly and intentionally combine, conspire, confederate, and agree with others, both known and unknown to the grand jury, to distribute 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(b)(1)(A)(viii).

**OVERT ACTS**

In furtherance of this conspiracy and to effect and accomplish the objects of it, one or more of the conspirators committed the following overt acts:

1. It was a part of said conspiracy that the defendants and others would and did distribute and possess with intent to distribute methamphetamine, a Schedule II controlled substance, in the state of North Dakota, and elsewhere;

2. It was further a part of said conspiracy that one or more of the conspirators arranged the transfer of methamphetamine, a Schedule II controlled substance, from outside the state of North Dakota into the state of North Dakota;

3. It was further a part of said conspiracy that the defendants and others would and did attempt to conceal their activities;

4. It was further a part of said conspiracy that the defendants and others would and did use United States currency in their drug transactions;

5. It was further a part of said conspiracy that the defendants and others would and did use telecommunication facilities, including cellular telephones, to facilitate the distribution of methamphetamine;

In violation of Title 21, United States Code, Section 846; Pinkerton v. United States, 328 U.S. 640 (1946).

COUNT TWO

**Illegal Use of Communication Facility**

The Grand Jury Further Charges:

From in or about October 2018 through the date of this Superseding Indictment, in the District of North Dakota, and elsewhere,

RUSSELL LARELL BERRY and  
GARY ALLEN BROWN

knowingly and intentionally used any communication facility, specifically, the US Mail and Postal Service, in facilitating the commission of any act or acts constituting a felony under Title 21, United States Code, Sections 841 and 846, that is, the offenses set forth in Count One of this Indictment, which are incorporated by reference herein;

In violation of Title 21, United States Code, Sections 843(b).

A TRUE BILL:

/s/ Foreperson  
Foreperson

/s/ Drew H. Wrigley  
DREW H. WRIGLEY  
United States Attorney

JAE:kt